

PLEASE TAKE NOTICE that on a date and time to be set by the Court, or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendant, Abbott Laboratories moved before the Honorable Garrett E. Brown, Jr., U.S.D.J., at the United States

District Court, Clarkson S. Fisher Federal Building & U.S. Courthouse, 402 East State Street, Room 6000, Trenton, New Jersey 08608, for an Order granting its motions for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(a) filed on January 25, January 28 and February 7, 2008.

PLEASE TAKE FURTHER NOTICE that in support of said Motion, Abbott will rely upon the Brief and Declaration of James S. Richter submitted herewith.

WINSTON & STRAWN LLP
Attorneys for Defendant
Abbott Laboratories

By: /s/ James S. Richter
James S. Richter
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Dated: February 8, 2008

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CERTIFICATION OF SERVICE

I hereby certify that on February 8, 2008, copies of the foregoing Notice of Motion and supporting documents were electronically filed and served by e-mail upon the following:

Wanda Ellert, Esq.
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Newark, New Jersey 07102
Attorneys for Plaintiff

/s/ James S. Richter

James S. Richter

Dated: February 8, 2008